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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/243,689	02/03/1999	RICHARD M. WASSERMAN	101473	2795

25944 7590 12/05/2002

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

GARCIA OTERO, EDUARDO

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/243,689

Applicant(s)

WASSERMAN, RICHARD M.

Examiner

Eduardo Garcia-Otero

Art Unit

2123

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): none.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant's assertions are not persuasive, see item 10 below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-11, 13-18, 20-27, and 29-44.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

Continuation of 10. Other:

ACTION-Advisory Action

Introduction

1. This Advisory Action is in response to Applicant's Request for Reconsideration, received 10/22/02, Paper # 11 (said request was also received a second time on 11/11/02, Paper #12).
2. Claims 1-11, 13-18, 20-27, and 29-44 are pending.
3. The Examiner will write a relatively detailed Advisory Action in order to further the prosecution.

Drawings

4. The Applicant persuasively asserts that the drawings meet formal requirements. The Examiner withdraws this objection.

Request for Information

5. The Applicant's identification of www.opengl.org satisfies the Examiner's request for information regarding OpenGL Reference Manual, OpenGL Architecture Review Board, Addison-Wesley Developers Press, Reading, MA, 1996. See Page 9 line 1 of specification. To make the record clear, the Examiner is including a copy of this home page with this action, and listing it on a PTO form 892 Notice of References Cited. The request for information is satisfied.

Mere Reference is not incorporation

6. The Applicant persuasively asserts that the publications are properly cited, and are not an incorporation by reference. The Examiner withdraws this objection.

Claim Rejections - 35 USC § 103

7. The Applicant makes a number of detailed assertions, and the Examiner will address these in the order presented.
8. RADAR and ICONS in HEADS-UP DISPLAYS: Request for Reconsideration, Page 4.
9. The Applicant persuasively asserts that Thomas does not explicitly disclose a radar or icons. However, although not explicitly disclosed, one of ordinary skill in the art of simulation would know that fighter head's up displays typically include data such as icons representing other fighters which are acquired by radar. Displaying such icons is the primary purpose of the heads-up display. Historically, commercial and military flight simulators have been a primary practical application of simulation technology (including tactile feedback) due to the high cost of practicing with actual aircraft. Thus, radar icons are implicitly disclosed.
10. Further, the Examiner maintains that simulating a radar system is a simulated a machine vision system. Radar is a method of locating objects in space (seeing), using a machine, and transmitting this information to a user through a visual interface.
11. FLIGHT SIMULATION SYSTEM: Request for Reconsideration, Page 4-5.
12. The Applicant discusses Thomas' projection of video images, and states that this does not simulate a machine vision system. The Examiner agrees that the projection of video images is not a machine vision system. However, Thomas' heads-up display of radar information is a machine vision system, and the flight simulator interfaces with the user and with the heads-up display. Thus, a flight simulator with heads-up display of radar information is a "user interface representative of a user interface of the machine vision system being simulated".
13. STIMULATION AND SIMULATION: Request for Reconsideration, Page 5-6.
14. The Applicant is correct that Streid is directed to an NGV Stimulation system.
15. However, Streid, Column 1 line 49, does mention "Simulation systems provide fully simulated NGV imagery projected onto displays". Streid then distinguishes his invention from "Simulation systems provide fully simulated NGV imagery projected onto displays" by stating "stimulation systems, on the other hand [when comparing with simulation systems], use a light generated display to artificially stimulate actual night vision goggles to react as they would in true nighttime operations" at Column 1 line 51. Note that the brackets were added by the Applicant, and do not exist in the patent.
16. The Applicant's assertions are based on Streid's classification of systems at Column 1 line 47, "There are two basic types of existing NVG visual display systems for use in training: NVG simulation systems and NVG stimulation systems".
17. However, the Examiner classifies these NVG systems in a more global sense. The Examiner classifies Streid's two basic types of systems as: (1) NVG simulation systems projecting fully simulated NGV imagery into displays, and (2) NVG simulation systems consisting of a stimulation system combined with a real set of NVG goggles.
18. The Examiner notes that Streid uses a different classification system, which is adequate for some purposes (and appear to be terms of art in the field).
19. Thus the Examiner believes that Streid discloses a machine vision simulation system consisting of three parts: (A) the NVG stimulation system, (B) a real set of NVG goggles, and (C) the remainder of the flight simulator. These three parts combine together to serve as a machine vision simulation system, and is disclosed by Streid.
20. REMAINING ASSERTIONS: Request for Reconsideration, Page 6-8.
21. The remaining Applicant assertions are not persuasive, and were adequately addressed in the Final Office Action.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 703-305-0857. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 7:00 PM.
23. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone numbers for this group are:
24. (703) 746-7238 --- for communications after a Final Rejection has been made;
25. (703) 746-7239 --- for other official communications; and
26. (703) 746-7240 --- for non-official or draft communications.
27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.
